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| OSHA LIANG LLP/Oracle TWO HOUSTON CENTER 909 FANNIN, SUITE 3500 HOUSTON, TX 77010 | | | GILLIS, BRIAN J | |
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docketing@oshaliang.com
lord@oshaliang.com
hathaway@oshaliang.com



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/663,474
Filing Date: September 15, 2003
Appellant(s): SHIRRIFF ET AL.

Robert P. Lord
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed June 3, 2009 appealing from the Office action mailed November 8, 2007.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-26 and 45-60 are rejected and pending.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

NEW GROUND(S) OF REJECTION

Claims 53-60 are rejected under 35 U.S.C. 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 53-60 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims recite the following means plus function limitation: Means for obtaining, from a server, a set of status information pertaining to one or more components.

This limitation invokes 35 USC § 112, ¶ 6 because it meets the 3-prong analysis set forth in MPEP 2181 as it recites the phrase "means for" or "step for" (or appellant identifies the limitation as a means (or step) plus function limitation in the appeal brief) and the phrase is modified by functional language and it is not modified by sufficient structure, material, or acts for performing the recited function. Also see *Altiris Inc. v. Semantec Corp.*, 318 F.3d 1363, 1375 (Fed. Cir. 2003). 35 USC § 112, ¶ 6, requires such claim to be construed to cover the corresponding structure, material, or acts

described in the specification and equivalents thereof. "If one employs means plus function language in a claim, one must set forth in the specification an adequate disclosure showing what is meant by that language. If an applicant fails to set forth an adequate disclosure, the applicant has in effect failed to particularly point out and distinctly claim the invention as required by the second paragraph of section § 112." *In re Donaldson Co.*, 16 F.3d 1189, 1195, 29 USPQ 1845, 1850 (Fed. Cir. 1994)(in banc.). For a computer-implemented means-plus-function claim limitation that invokes 35 USC § 112, ¶ 6, the corresponding structure is required to be more than simply a general purpose computer. *Aristocrat Technologies, Inc. v. International Game Technology*, 521 F.3d 1328, 1333, 86 USPQ2d 1235, 1239-40 (Fed. Cir. 2008). The corresponding structure for a computer-implemented function must include the algorithm as well as the general purpose computer. *WMS Gaming, Inc. v. International Game Technology*, 184 F.3d 1339, 51 USPQ2d 1385 (Fed. Cir. 1999). The written description must at least disclose the algorithm that transforms the general purpose microprocessor to a special purpose computer programmed to perform the claimed function. *Aristocrat*, 521 F.3d at 1338, 86 USPQ2d at 1242.

In the instant application, the following portions of the specification and drawings may appear to describe the corresponding structure for performing the claimed function: Event generator 210; Spec. 12:1-9 19:4-10 and event monitor 240; Spec 14: 1-8.

However, the specification and drawings do not disclose sufficient corresponding structure, material or acts for performing the claimed function. The specification does not reveal any algorithm for obtaining a set of status information as recited in

independent claim 53. The specification does disclose an event generator for determining events. However, there is no algorithm showing how the events are determined. Claims 54-60 depend from claim 53. While the specification at page 12 states that known event generation mechanisms can be used, none are disclosed. No algorithm shows how events are detected.

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

| | | |
|--------------|--------------------|---------|
| 2004/0119736 | Chen et al | 6-2004 |
| 5,748,884 | Royce et al | 5-1998 |
| 6,823,359 | Heidingsfeld et al | 11-2004 |
| 2003/0037136 | Labovitz et al | 2-2003 |
| 2004/0111507 | Villado et al | 6-2004 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

The new grounds of rejection under 35 USC § 112, 2nd paragraph as set forth in the above new grounds of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 45-49, 52-57 and 60 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al (US PGPUB US2004/0119736).

(Claim 45 discloses) a machine-implemented method, comprising: obtaining, from a server, a set of status information pertaining to one or more components (Chen et al shows a server obtains event information (paragraph 21).); rendering a display to show the status information for the one or more components (Chen et al shows the administrative workstation displays the event information (paragraph 22).); accessing an event buffer, wherein the event buffer stores one or more events pertaining to the one or more components (Chen et al shows a database stores information about the events (paragraph 21).); determining whether the event buffer contains any newly added events that require the display to be updated (Chen et al shows after an event is detected it is determined if it is an event to be displayed (paragraph 22).); in response to a determination that the event buffer contains one or more newly added events that require the graphic display to be updated, obtaining from the server a set of updated status information pertaining to the one or more components (Chen et al shows the

event is obtained from the server and displayed by the administrative workstation (paragraph 22).); and rendering an updated display to show the updated status information for the one or more components (Chen et al shows the display is updated (paragraph 22)).

(Claim 46 discloses) the method of claim 45, wherein the one or more components are one or more nodes in a cluster of nodes (Chen et al shows a plurality of network devices or nodes are connected to the network (paragraph 19)).

(Claim 47 discloses) the method of claim 45, wherein the server is a web server, and wherein obtaining the set of status information comprises: loading a web page from the web server that includes the status information for the one or more components (Chen et al shows the event information is displayed on a web page (paragraph 22)).

(Claim 48 discloses) the method of claim 47, wherein obtaining the set of updated status information comprises: loading an updated web page from the web server that includes the updated status information for the one or more components (Chen et al shows the updated event information is updated on the web page (paragraph 22)).

(Claim 49 discloses) the method of claim 47, wherein loading the web page comprises: registering a set of one or more pertinent events as events that require the display to be updated (Chen et al shows the event is determined whether to be displayed on the web page (paragraph 22)).

(Claim 52 discloses) the method of claim 49, wherein determining whether the event buffer contains any newly added events that require the display to be updated

comprises: determining whether the event buffer contains any newly added events (Chen et al shows a new event is detected in the database (paragraphs 21 and 22).); and in response to a determination that the event buffer contains one or more newly added events, determining whether any of the one or more newly added events is one of the events in the set of one or more pertinent events (Chen et al shows if a new event is needed to be displayed it is a pertinent event (paragraph 22)).

(Claim 53 discloses) an apparatus, comprising: means for obtaining, from a server, a set of status information pertaining to one or more components (Chen et al shows a server obtains event information (paragraph 21).); means for rendering a display to show the status information for the one or more components (Chen et al shows the administrative workstation displays the event information (paragraph 22).); means for accessing an event buffer, wherein the event buffer stores one or more events pertaining to the one or more components (Chen et al shows a database stores information about the events (paragraph 21).); means for determining whether the event buffer contains any newly added events that require the display to be updated (Chen et al shows after an event is detected it is determined if it is an event to be displayed (paragraph 22).); means for obtaining from the server, in response to a determination that the event buffer contains one or more newly added events that require the graphic display to be updated, a set of updated status information pertaining to the one or more components (Chen et al shows the event is obtained from the server and displayed by the administrative workstation (paragraph 22).); and means for rendering an updated

display to show the updated status information for the one or more components (Chen et al shows the display is updated (paragraph 22)).

(Claim 54 discloses) the apparatus of claim 53, wherein the one or more components are one or more nodes in a cluster of nodes (Chen et al shows a plurality of network devices or nodes are connected to the network (paragraph 19)).

(Claim 55 discloses) the apparatus of claim 53, wherein the server is a web server, and wherein the means for obtaining the set of status information comprises: means for loading a web page from the web server that includes the status information for the one or more components (Chen et al shows the event information is displayed on a web page (paragraph 22)).

(Claim 56 discloses) the apparatus of claim 55, wherein the means for obtaining the set of updated status information comprised: means for loading an updated web page from the web server that includes the updated status information for the one or more components (Chen et al shows the updated event information is updated on the web page (paragraph 22)).

(Claim 57 discloses) the apparatus of claim 55, wherein the means for loading the web page comprises: means for registering a set of one or more pertinent events as events that require the display to be updated (Chen et al shows the event is determined whether to be displayed on the web page (paragraph 22)).

(Claim 60 discloses) the apparatus of claim 57, wherein the means for determining whether the event buffer contains any newly added events that require the display to be updated comprises: means for determining whether the event buffer

contains any newly added events (Chen et al shows a new event is detected in the database (paragraphs 21 and 22).); and means for determining, in response to a determination that the event buffer contains one or more newly added events, whether any of the one or more newly added events is one of the events in the set of one or more pertinent events (Chen et al shows if a new event is needed to be displayed it is a pertinent event (paragraph 22)).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 2, 6, 7, 11-13, 17-20, 22, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Royce et al (US Patent #5,748,884) in view of Chen et al (US PGPUB US2004/0119736).

Claim 1 discloses a system for event notification, comprising: an event buffer; a first node, the first node detecting a situation of interest on the first node and generating a first event in response thereto, the first node sending information pertaining to the first event to the event buffer to be stored therein; and a remote computing system, the remote computing system displaying a first set of status information for the first node that was previously obtained from a server, the remote computing system polling the event buffer for new events and in response to detecting the first event, the remote computing system interacting again with the server to obtain therefrom a set of updated status information for the first node, the remote computing system thereafter displaying the updated status information. Royce et al teaches detecting an event which triggers a notice to be generated and transmitted (column 4, lines 25-35) and the outboard console personal computer (OBCP) receives the event notice and transmits the notice (column 4, lines 37-41). It fails to teach an event buffer and a remote computing system, the remote computing system displaying a first set of status information for the first node that was previously obtained from a server, the remote computing system polling the event buffer for new events and in response to detecting the first event, the remote computing system interacting again with the server to obtain therefrom a set of updated status information for the first node, the remote computing system thereafter displaying the updated status information. Chen et al teaches a database is used to store event information (paragraph 21), and an administrative workstation obtains the event information and if a new event is detected and determined to be displayed the event is displayed (paragraphs 21 and 22).

Royce et al and Chen et al are analogous art because they are both related to event notification.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the computing system features in Chen et al with the system in Royce et al because relevant events are able to be monitored remotely and information is displayed in real time (Chen, paragraph 9).

Claim 2 discloses the system for event notification of claim 1 wherein the event buffer comprises a database for storing received events. Chen et al further teaches the events are stored in a database (paragraph 21).

Claim 6 discloses the system for event notification of claim 1 further comprising: a second node, the second node detecting a situation of interest on the second node and generating a second event in response thereto, the second node sending information pertaining to the second event to the event buffer to be stored therein. Royce et al further teaches multiple nodes, which detects an event, which triggers a notice, to be generated and transmitted (figure 2, column 4, lines 25-35) and the OBCP receives the event notice and transmits the notice (column 4, lines 37-41).

Claim 7 discloses the system for event notification of claim 6 wherein the event buffer comprises a database for storing received events. Chen et al further teaches the events are stored in a database (paragraph 21).

Claim 11 discloses the system for event notification of claim 6 wherein the second node comprises a second event buffer, and wherein the second event buffer

receives events transmitted from at least one of the first node and the second node.

Royce et al further teaches the system can have multiple devices monitoring (figure 2).

Claim 12 discloses the system for event notification of claim 11 wherein the event buffer comprises a first list of significant events and wherein the second event buffer comprises a second list of significant events. Chen et al further teaches the events are stored in a buffer (paragraph 21).

Claim 13 discloses the system for event notification of claim 1 wherein the remote computing system renders a graphic display to show the first set of status information and/or the updated status information. Chen et al further teaches the display is a graphic display (figure 7, paragraph 28).

Claim 17 discloses the system for event notification of claim 13 wherein the graphic display is rendered by an application that is integrated with at least one of an event monitor, and the event buffer. Chen et al further teaches the event-setting module is integrated with a database (paragraphs 21 and 23).

Claim 18 discloses a network for event notification, comprising: an event forwarding mechanism in each node of a cluster for forwarding detected events to each other node; an event buffer of said cluster to receive and store each event forwarded from a node from an event forwarding mechanism; and a remote event monitor for periodically polling said event buffer for changes in pertinent events, and in response to detecting one or more new pertinent events, the remote event monitor causing updated status information pertaining to one or more nodes in said cluster to be obtained from a server and causing the updated status information to be displayed. Royce et al teaches

the OBCP receives an event notice and transmits the notice through the network (column 4, lines 37-41). It fails to teach an event buffer of said cluster to receive and store each event forwarded from a node from an event forwarding mechanism; and a remote event monitor for periodically polling said event buffer for changes in pertinent events, and in response to detecting one or more new pertinent events, the remote event monitor causing updated status information pertaining to one or more nodes in said cluster to be obtained from a server and causing the updated status information to be displayed. Chen et al teaches storing the events by the obtaining module (paragraph 21) and an administrative workstation obtains the event information and if a new event is detected and determined to be displayed the event is displayed (paragraphs 21 and 22).

Royce et al and Chen et al are analogous art because they are both related to event notification.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the computing system features in Chen et al with the system in Royce et al because relevant events are able to be monitored remotely and information is displayed in real time (Chen, paragraph 9).

Claim 19 discloses the network of claim 18 further comprising: an event generation mechanism in each node to generate an event when something of interest occurs within said cluster. Royce et al further teaches detecting an event, which triggers an event notice, which is transmitted to the OBCP (column 4, lines 25-35).

Claim 20 discloses the network of claim 18 wherein said updated status information is displayed within a web page. Chen et al further teaches the display is a web page (paragraph 21).

Claim 22 discloses the network of claim 18 wherein said remote event monitor resides within a browser system. Chen et al further teaches the administrative workstation is a browser system (paragraph 26).

Claim 23 discloses the network of claim 18 wherein said remote event buffer is located on at least one node in a cluster. Chen et al further teaches the database is stored on the administrative workstation (paragraph 21).

Claim 25 discloses the network of claim 20 wherein said web page registers pertinent events with said remote event monitor. Chen et al further teaches the pertinent events can be determined using the web page (paragraph 26).

Claims 3-5, 8-10, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Royce et al (US Patent #5,748,884) in view of Chen et al (US PG PUB US2004/0119736) as applied to claims 1, and 18 above, and further in view of Labovitz et al (US PG PUB US 2003/0037136).

Claim 3 discloses the system for event notification of claim 2 wherein the database is pruned. Royce et al in view of Chen et al teaches the limitations of claim 2 as recited above. It fails to teach the database being pruned. Labovitz et al teaches the database is pruned (paragraph 127).

Royce et al in view of Chen et al and Labovitz et al are analogous art because they are both related to network monitoring.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the pruning feature in Labovitz et al with the system in Royce et al in view of Chen et al because old information is removed reducing the storage requirement (Labovitz, paragraph 127).

Claim 4 discloses the system for event notification of claim 3 wherein the pruning is carried out at timed intervals. Labovitz et al further teaches the database is pruned periodically (paragraph 127).

Claim 5 discloses the system for event notification of claim 4 wherein the pruning is carried out at said time intervals of between 2 and 120 seconds. Labovitz et al further teaches the frequency the database is pruned is configurable (paragraph 127).

Claim 8 discloses the system for event notification of claim 7 wherein the database is pruned. Royce et al in view of Chen et al teaches the limitations of claim 7 as recited above. It fails to teach the database being pruned. Labovitz et al teaches the database is pruned (paragraph 127).

Royce et al in view of Chen et al and Labovitz et al are analogous art because they are both related to network monitoring.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the pruning feature in Labovitz et al with the system in Royce et al in view of Chen et al because old information is removed reducing the storage requirement (Labovitz, paragraph 127).

Claim 9 discloses the system for event notification of claim 8 wherein the pruning is carried out at timed intervals. Labovitz et al further teaches the database is pruned periodically (paragraph 127).

Claim 10 discloses the system for event notification of claim 9 wherein the pruning is carried out at said time intervals of between 2 and 120 seconds. Labovitz et al further teaches the frequency the database is pruned is configurable (paragraph 127).

Claim 21 discloses the network of claim 18 wherein said event buffer further comprises: a database for storing events received from said event forwarding mechanisms; and an evictor for periodically removing events from said database. Royce et al in view of Chen et al teaches the limitations of claim 18 as recited above. Chen et al further teaches the events are stored in a database (paragraph 21). It fails to teach an evictor for periodically removing events from said database. Labovitz et al teaches pruning the database periodically (paragraph 127).

Royce et al in view of Chen et al and Labovitz et al are analogous art because they are both related to network monitoring.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the pruning feature in Labovitz et al with the system in Royce et al in view of Chen et al because old information is removed reducing the storage requirement (Labovitz, paragraph 127).

Claims 14-16 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Royce et al (US Patent #5,748,884) in view of Chen et al (US PGPUB

US2004/0119736) as applied to claims 1, and 18 above, and further in view of Heidingsfeld et al (US Patent #6,823,359).

Claim 14 discloses the system for event notification of claim 13 wherein the graphic display is rendered by a stand-alone application. Royce et al in view of Chen et al teaches the limitations of claim 13 as recited above. It fails to teach the graphic display is a stand-alone application. Heidingsfeld et al teaches the display is a stand-alone application (column 5, lines 37-43).

Royce et al in view of Chen et al and Heidingsfeld et al are analogous art because they are both related to network monitoring.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the display stand-alone feature in Heidingsfeld et al with the system in Royce et al in view of Chen et al because the data is able to be delivered without additional software or configuration (Heidingsfeld, column 1, line 61 – column 2, line 8).

Claim 15 discloses the system for event notification of claim 13 wherein the graphic display is a web page rendered by a web browser. Chen et al further teaches the display is on a web page (paragraph 21).

Claim 16 discloses the system for event notification of claim 15 wherein the web browser comprises plug-ins. Heidingsfeld et al further teaches the web browser comprises plug-ins (figure 7).

Claim 26 discloses the network of claim 18 wherein said updated status information is displayed in a frame of a displayed web page. Royce et al in view of Chen et al teaches the limitations of claim 18 as recited above. It fails to teach the

information is in a frame of a displayed web page. Heidingsfeld et al teaches updating a frame of a web page (column 5, lines 50-64).

Royce et al in view of Chen et al and Heidingsfeld et al are analogous art because they are both related to network monitoring.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the frame updating feature in Heidingsfeld et al with the system in Royce et al in view of Chen et al because the data is able to be delivered without additional software or configuration (Heidingsfeld, column 1, line 61 – column 2, line 8).

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Royce et al (US Patent #5,748,884) in view of Chen et al (US PG PUB US2004/0119736) as applied to claim 18 above, and further in view of Villado et al (US PG PUB US2004/0111507).

Claim 24 discloses the network of claim 18 wherein said remote event monitor is a Java applet operating on a computing system remote from said cluster. Royce et al in view of Chen et al teaches the limitations of claim 18 as recited above. It fails to teach the remote event monitor being a Java applet operating on a computing system remote from said cluster. Villado et al teaches the monitoring may be implemented using JAVA remotely (paragraph 63).

Royce et al in view of Chen et al and Villado et al are analogous art because they are both related to network monitoring.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the implementation of JAVA remotely feature in Villado et al with

the system in Royce et al in view of Chen et al because network monitoring is improved by enabling an authorized user to view communications passing through a network in real time (Villado, paragraph 8).

Claims 50, 51, 58, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (US PG PUB US2004/0119736) in view of Heidingsfeld et al (US Patent #6,823,359).

Claim 50 discloses the method of claim 49, wherein the web page comprises code for causing the set of one or more pertinent events to be registered. Chen et al teaches the limitations of claim 49 as recited above. It fails to teach the web page comprises code for causing the set of one or more pertinent events to be registered. Heidingsfeld et al teaches the web page has code to update information (column 2, lines 24-28).

Chen et al and Heidingsfeld et al are analogous art because they are both related to network monitoring.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the web page code features in Heidingsfeld et al with the system in Chen et al because the data is able to be delivered without additional software or configuration (Heidingsfeld, column 1, line 61 – column 2, line 8).

Claim 51 discloses the method of claim 50, wherein the code is Javascript code. Heidingsfeld et al further teaches the code used is Javascript (column 2, lines 24-28).

Claim 58 discloses the apparatus of claim 57, wherein the web page comprises code for causing the set of one or more pertinent events to be registered. Chen et al

teaches the limitations of claim 57 as recited above. It fails to teach the web page comprises code for causing the set of one or more pertinent events to be registered. Heidingsfeld et al teaches the web page has code to update information (column 2, lines 24-28).

Chen et al and Heidingsfeld et al are analogous art because they are both related to network monitoring.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the web page code features in Heidingsfeld et al with the system in Chen et al because the data is able to be delivered without additional software or configuration (Heidingsfeld, column 1, line 61 – column 2, line 8).

Claim 59 discloses the apparatus of claim 58, wherein the code is Javascript code. Heidingsfeld et al further teaches the code used is Javascript (column 2, lines 24-28).

(10) Response to Argument

Issue I

Claims 45-49, 52-57, and 60

Applicant asserts the prior art does not disclose or suggest the feature obtaining, from a server, a set of status information pertaining to one or more components. The Examiner respectfully disagrees, Chen et al shows information is obtained by the administrative workstation which is interpreted to be a server from the network devices and is stored in a database (paragraphs 21 and 22).

Applicant asserts the prior art does not disclose or suggest the feature in response to a determination that the event buffer contains one or more newly added events that require the display to be updated, obtaining from the server a set of updated status information pertaining to the one or more components. The Examiner respectfully disagrees, Chen et al shows when a new event is detected the server obtains the information from the network device and stores the information in the database. The display is then updated with the newly obtained information from the server (paragraphs 21 and 22).

Issue II

Claims 1, 2, 6, 7, 11-13, and 17

Applicant asserts the prior art does not teach or suggest the feature, the remote computing system polling the event buffer for new events and in response to detecting the first event, the remote computing system interacting again with the server to obtain therefrom a set of updated status information for the first node, the remote computing system thereafter displaying the updated status information. The Examiner respectfully disagrees, Chen et al teaches the administrative workstation interpreted to be a server interacts with the database stored on the server which contains the updated device information and stores newly updated device information in the database when such information is detected. The updated information is then retrieved from the database to be used to update the display (paragraphs 21 and 22).

Claims 18-20, 22-23, and 25

Applicant asserts the prior art does not teach or suggest the feature, in response to detecting one or more new pertinent events, the remote event monitor causing updated status information pertaining to one or more nodes in said cluster to be obtained from a server and causing the updated status information to be displayed. The Examiner respectfully disagrees, Chen et al teaches when a new event is detected the server obtains the information from the network device and stores the information in the database. The display is then updated with the newly obtained information from the server (paragraphs 21 and 22).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

This examiner's answer contains a new ground of rejection set forth in section (9) above. Accordingly, appellant must within **TWO MONTHS** from the date of this answer exercise one of the following two options to avoid *sua sponte* **dismissal of the appeal** as to the claims subject to the new ground of rejection:

(1) **Reopen prosecution.** Request that prosecution be reopened before the primary examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit or other evidence. Any amendment, affidavit or other evidence must be relevant to the new grounds of rejection. A request that complies with 37 CFR

41.39(b)(1) will be entered and considered. Any request that prosecution be reopened will be treated as a request to withdraw the appeal.

(2) **Maintain appeal.** Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. Such a reply brief must address each new ground of rejection as set forth in 37 CFR 41.37(c)(1)(vii) and should be in compliance with the other requirements of 37 CFR 41.37(c). If a reply brief filed pursuant to 37 CFR 41.39(b)(2) is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened before the primary examiner under 37 CFR 41.39(b)(1).

Extensions of time under 37 CFR 1.136(a) are not applicable to the TWO MONTH time period set forth above. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.

Respectfully submitted,

/B. J. G./

Brian Gillis
Examiner
Art Unit 2441
5/5/2010

/Wing F. Chan/
Supervisory Patent Examiner, Art Unit 2441

/Rupal D. Dharia/
Supervisory Patent Examiner, Art Unit 2400

A Technology Center Director or designee must personally approve the new ground(s) of rejection set forth in section (9) above by signing below:

/Jack Harvey/

Director, Technology Center 2400

Conferees:

/Wing F. Chan/

Supervisory Patent Examiner, Art Unit 2441

/Rupal D. Dharia/

Supervisory Patent Examiner, Art Unit 2400